

Notice of Allowability

Application No.

09/944,635

Examiner

Lynda M Salvatore

Applicant(s)

ZHOU ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/20/03.
2. ☒ The allowed claim(s) is/are 1-75.
3. ☒ The drawings filed on 31 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

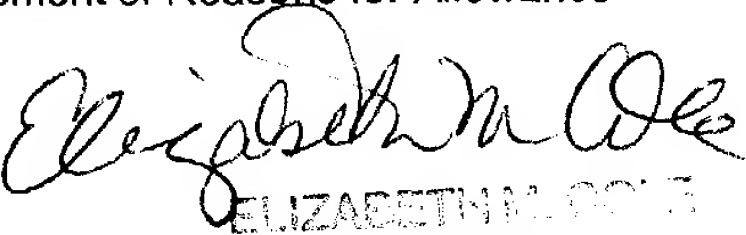
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


ELIZABETH M. COLE
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

1. During an interview on November 20th, 2003, Applicant argued a lack of motivation to combine the prior art references to reject claims 1-75 under 35 U.S.C. 103(a) as being unpatentable over Zafiroglu, US 5,468,320, Hall, Jr., et al., US 3,370,106, and Meece et al., US 2002/0039637 as set forth in sections 3-5 of the Final Office Action dated October 15th, 2003. Applicant asserts that one of ordinary skill in the art would not look to Hall, Jr., et al., for motivation to employ the disclosed adhesive in the invention of Zafiroglu. Applicant contends that Hall, Jr., et al., is not directed to bonding the type of non-woven textiles taught by Zafiroglu, but rather for bonding Kraft paper. These arguments are found persuasive. Accordingly, these rejections are withdrawn and claims 1-75 are now in condition for allowance for reasons set forth herein below.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: 1-75. Claims 1-75 are found patently distinguishable over the prior art of Zafiroglu, US 5,468,320, Hall, Jr., et al., US 3,370,106, and Meece et al., US 2002/0039637. Specifically, the combination of prior art does teach or fairly suggest a laminated structure comprising a non-woven substrate, at least one elastic strand and a hot melt adhesive composition bonding the non-woven substrate and the at least one elastic strand to one another. The said hot melt adhesive composition comprises atactic polypropylene having a degree of crystallinity of less than 20% and a molecular weight about 500 to 40,000 and an isotactic polypropylene having a degree of crystallinity of least about 40% and a molecular weight about 3,000 to 150,000, wherein the hot

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melt adhesive composition is hot-melt processable at less than about 450 degrees Fahrenheit. An updated art search did not produce any new substantial art for which to base a rejection and presently no motivation exists to combine references to form an obvious type rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070.

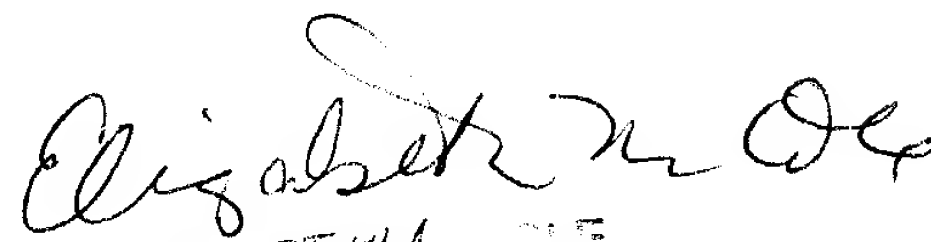
The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

November 29, 2003

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ELIZABETH M. DE
PATENT EXAMINER